

FILED
MAR 13 2007
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

vs.

JOHN FRANCES GRIFFIN,
Defendant.

No. CR 06-00365 CW
[PROPOSED] ORDER
~~FILE UNDER SEAL~~


On the motion of the defendant pursuant to rule 17(b) and (c) of the Federal Rules of Criminal Procedure, and good cause appearing therefore,

IT IS HEREBY ORDERED that the following subpoenas issue for the specified records from the Custodians of Records for MBV Law, LLP; Tharpe & Howell, Esq.; Bever, Hoffman & Harms LLP; Gordon Rees; DeMeo & DeMeo; and Martin Triano ~~and from the Custodian of Records for the California Department of Justice~~, and that the fees and expenses associated with production of the materials so subpoenaed shall be paid as if subpoenaed by the government.

IT IS FURTHER ORDERED that the subpoenas allow the option of the production of the material to the Federal Public Defender on or before April 9, 2007.

IT IS FURTHER ORDERED that the Ex Parte Application and Declaration in Support of Order Authorizing Indigent Subpoena Under Rule 17(b) and (c), Federal Rules of Criminal Procedure; and ~~[Proposed] ORDER~~ be SEALED pending further order of the court.

DATED: ~~March 13, 2007~~


HON. CLAUDIA WILKEN
United States District Judge

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

United States

V.

John Francis Griffin

**SUBPOENA TO PRODUCE
DOCUMENTS OR OBJECTS
IN A CRIMINAL CASE**

Case Number: CR 06-00365 CW

TO: Martin Triano
Attorney At Law

YOU ARE COMMANDED to produce at the place, date, and time specified the document(s) or object(s) indicated below. If compliance would be unreasonable or oppressive, you may file a motion requesting the court to quash or modify the subpoena, to review the documents *in camera*, or to permit production only pursuant to a protective order.

PLACE

☐ United States Courthouse ☐ United States Courthouse ☒ United States Courthouse
450 Golden Gate Avenue 280 South First Street 1301 Clay Street
San Francisco, CA 94102 San Jose, CA 95113 Oakland, CA 94612

COURTROOM/JUDGE

Courtroom 2
Hon. Claudia Wilken

DATE AND TIME

April 9, 2007
2:30 PM

If the document(s) or object(s) are produced in advance of the date specified, either to the court in an envelope delivered to the clerk's office or to the issuing attorney whose name and address appears below, no appearance is necessary.

The following document(s) or object(s) shall be produced:

See ATTACHMENT A

NOTE: Parties requesting a subpoena requiring the appearance of a witness to testify at a criminal proceeding or to testify and bring documents to a criminal proceeding, must use Form CAND 89A, *Subpoena to Testify in a Criminal Case*. Forms are available at the Court's Internet site: <http://www.cand.uscourts.gov>.

U.S. MAGISTRATE JUDGE OR CLERK OF COURT

Richard W. Wieking

(By) Deputy Clerk




DATE

March 7, 2007

ATTORNEY NAME, ADDRESS AND PHONE NUMBER:

Joyce Leavitt, Assistant Federal Public Defender
555-12th Street, Suite 650
Oakland, CA 94607
(510) 637-3500

Investigator: Frank Tamburello

CAND 89B (Rev. 1/06) Subpoena to Produce Documents or Objects in a Criminal Case

PROOF OF SERVICE

RECEIVED BY SERVER	DATE	PLACE
SERVED	DATE	PLACE
SERVED ON (PRINT NAME)		FEEES AND MILEAGE TENDERED TO WITNESS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO AMOUNT \$ _____
SERVED BY (PRINT NAME)		TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

ADDITIONAL INFORMATION

ATTACHMENT A

(a) all documentation, including correspondence (written, electronic and oral) with personnel from VaporTech, Inc. and/or Goodfield Energy Corporation, memoranda, reports, notes, billing statements and other items relating to the preparation, publication and distribution of any and all documents prepared on behalf of VaporTech, Inc. and/or Goodfield Energy Corporation for distribution to investors or prospective investors during the period from January 2004 until May 2006 including the following documents: (i) the June 2005 VaporTech Inc. Overview; (ii) the 2005 VaporTech, Inc./Goodfield Energy Corporation Common Stock Exchange Offering Memorandum; (iii) the October 2005 Goodfield Energy Corporation Company Information: Goodfield Energy's Offering, as well as (b) all documentation, including correspondence (written, electronic and oral), memoranda, reports, notes, billing statements and other items reflecting any discussions, during the period from January 2004 until May 2006, between the attorney or attorneys and (i) personnel from VaporTech, Inc. and/or Goodfield Energy Corporation regarding applicable tax laws, tax filing requirements, potential tax shelters, and other tax-related issues relating to the companies, and (ii) John Frances Griffin, individually, regarding applicable tax laws, tax filing requirements, potential tax shelters, and other tax-related issues relating to his personal filing of taxes; and (c) all documentation, including correspondence (written, electronic and oral), memoranda, reports, notes, billing statements and other items between the attorney or attorneys and any personnel from VaporTech, Inc. and/or Goodfield Energy Corporation (including John Frances Griffin) regarding the companies' procedures relating to the sales, issuance and transferability, as well as recordkeeping, of stocks individually held by company personnel, including board members, as well as other investors.